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REMARKS

Claims 1-21 are currently pending in the subject application and are presently under consideration. Claims 1, 10, 16 and 21 have been amended herein to further emphasize exemplary aspects of applicants' claimed invention, and claims 4-6, 15 and 18-19 have been amended to cure minor informalities. A version of all pending claims is presented on pages 2-4 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-9 and 16-20 Under 35 U.S.C. §102(b)

Claims 1-9 and 16-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Chen *et al.* (US 5,812,780). For at least the following reason, this rejection should be withdrawn. Chen *et al.* does not disclose or suggest all aspects set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim.* *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The invention as claimed relates to systems and methods that facilitate server load tests by dynamically adjusting simulated user characteristics during a test period, and employing a per iteration model for server loading. To this end, independent claims 1 and 16, as amended, recite similar aspects, namely: *a dynamic load adjustor component that dynamically adjusts user characteristics based at least in part on a browser type.* Chen *et al.* fails to disclose these features of applicants' claimed invention.

Chen *et al.* relates to systems and methods, and computer program products for providing realistic load conditions on a server application by simulating the behavior of multiple users operating client software. The cited document however does not disclose a dynamic load adjustor that dynamically adjusts user characteristics based at least in part

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on a browser type. Accordingly, withdrawal of the rejection of independent claims 1 and 16, and associated dependent claims, is requested.

II. Rejection of Claims 10-15 and 21 Under 35 U.S.C. §102(e)

Claims 10-15 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Malmskog *et al.* (US 6,721,686). This rejection should be withdrawn for at least the following reason. Malmskog *et al.* fails to disclose or suggest each and every limitation set forth in the subject claims.

Independent claims 10 and 21, as amended, respectively recite: ***a user profile having weighted characteristics that comprises at least a browser type, and each user characteristic including at least a browser type.*** Malmskog *et al.* does not disclose these exemplary aspects of applicants' claimed invention.

Malmskog *et al.* relates to a server load test system, device, and method for generating an artificial load and evaluating the performance of a web server, wherein the load test system is configured to generate a pool of synthetic clients and direct each synthetic client to request resources from the web server. The cited document however, makes no mention, let alone utilization, of a user profile that has weighted characteristics that comprise/include at least a browser type. In view of this deficiency, Malmskog *et al.* does not disclose or suggest all the exemplary aspects of applicants' claimed invention as recited in independent claims 10 and 21 (and claims that depend there from). Accordingly, this rejection should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP637US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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